(3)

IN THE HIGH COURT OF MADHYA PRADESH AT JABALPUR

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S B (Civil)

WRIT PETITION NO. 3610 /94

PETITIONER : State of Madhya Pradesh through The Executive Engineer, H.K.M Ayakat Division, Bilaspur.

- VERSUS -

RESPONDENTS : 1. The Deputy Labour Commissioner, Chatisgarh Region, Raipur.

2. The Presiding Officer, Labour Court, Bilaspur.

3. W.D.Diwan S/o Shri P.D.Diwan, R/o New Sarkanda, Bilaspur.

PETITION UNDER ARTICLES 226/227 OF THE CONSTITUTION OF INDIA.

(62)

HIGH COURT OF CHHATTISGARH AT BILASPUR
Writ Petition No. 3610 of 1994

Petitioner	:	State of Madhya Pradesh
	Versus	
Respondents	:	The Deputy Labour Commissioner & others

Single Bench: Hon'ble Mr. Justice **Satish K. Agnihotri.**

Shri Pankaj Shrivastava, counsel for the Petitioner.

Shri Bhaskar Pyasi, counsel for the respondent No. 3.

ORAL ORDER

(23rd February, 2006)

1. The respondent No. 3 was appointed as Daily Wages Employee on the post of Surveyor Grade-II on 4.10.1985. The respondent No. 3 made an application on 8.12.86 for leave. The petitioner department did not grant leave and terminated the service of the respondent No. 3 w.e.f. 19.12.1986 without paying retrenchment compensation.

2. Being aggrieved, the respondent No. 3 filed an application before the Labour Court, Bilaspur. The Labour Court, Bilaspur after hearing both the parties held that the termination order was not valid. Accordingly, the Labour Court by the award dated 8.8.94 (Annexure-A) granted reinstatement with 75% back wages.

3. The petitioner, being aggrieved, filed writ petition under Article 226/227 of the Constitution of India in the High Court of Madhya Pradesh at Jabalpur on 1.10.1994, praying that the impugned award dated 8.8.1994 be quashed.

4. The High Court issued notice on 28.9.1995. Thereafter the petitioner failed to pay process fee, till date. When the matter was taken up for hearing on default, learned counsel appearing for the petitioner prays for sometime to file process fees. Looking into the conduct of the

petitioner, where the petitioner itself has taken the matter very casually by not paying the process fee for more than 10 years. At this stage, if the petitioner is permitted to file process fee after a period of 10 years, it may not subserve interest of justice. Even on merit, I have perused the impugned award passed by the Labour Court, there is no perversity or irregularity found in the impugned award. The award is based on cogent evidence and after having applied the proper law. The petitioner has deprived the respondent No. 3 from the benefit of the award dated 8.8.94 for more than 10 years by not filing even the process fee in the matter. No interim relief was granted in favour of the petitioner.

5. In view of the foregoing, it does not call for any interference with the award passed by the Labour Court in exercise of jurisdiction under Article 226/227 of the Constitution of India.

6. The petition is accordingly dismissed. No order as to costs.

Sd/-
Satish K. Agnihotri
Judge

Bablu